

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JEFFREY B. GUINN, individually and as
Trustee of the DEL MAR TRUST, et al.,

2:09-CV-01809-PMP-CWH

Plaintiff/Counterdefendant
Third-Party Defendant,

ORDER

vs.

FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER FOR
COMMUNITY BANK OF NEVADA, et
al.,

Defendant/Counterclaimant/
Third-Party Plaintiff.

Before the Court for consideration is Defendant/Counterclaimant/Third-Party Plaintiff Federal Deposit Insurance Corporation, as Receiver for Community Bank of Nevada, Inc.'s ("FDIC-R") Motion for Partial Summary Judgment (Doc. #89). By this Motion, FDIC-R seeks summary judgment against Plaintiffs on all of Plaintiff's claims, and additionally seeks summary judgment on its counterclaims and third-party claims for damages relating to four of the five loans at issue in this case.

At the hearing conducted March 4, 2013, on FDIC-R's fully briefed motion, Plaintiff's conceded that FDIC-R is entitled to summary judgment on all of Plaintiff's claims. Accordingly, that portion of FDIC-R's motion was granted at the hearing.

1 Plaintiff/Counterdefendant/Third-Party Defendants however oppose FDIC-R's motion for
2 summary judgment on the counterclaims and third-party claims advanced by FDIC-R.
3 However, for the reasons set forth in FDIC-R's Motion (Doc. #89), Reply Memorandum
4 (Doc. #99), and at the hearing conducted March 4, 2013, the Court finds that FDIC-R is
5 entitled to summary judgment on the "Guinn loan" and that Nevada law, not California law,
6 is controlling as between the Parties in this case. Similarly, and for the reasons set forth by
7 FDIC-R on the paper and at oral argument, the Court finds FDIC-R is entitled to summary
8 judgment and an award of damages on their counterclaim/third-party claims for the
9 Coronado Nevada Loan in the amount of \$5,911,175.02, for the joint LOC in the amount of
10 \$724,778.07, and on the Guinn Loan in the amount of \$2,589,002.61.

11 **IT IS SO ORDERED.**

12 **IT IS FURTHER ORDERED** that Defendant/Counterclaimant/Third-Party
13 Plaintiff FDIC-R shall prepare an appropriate Form of Judgment, and after reviewing said
14 Proposed Form of Judgment with counsel for Plaintiff/Counterdefendant/Third-Party
15 Defendants, shall not later than **Monday, April 1, 2013** submit the Proposed Form of
16 Judgment to the Court for consideration and entry.

17 DATED: March 11, 2013.

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20 PHILIP M. PRO
21 United States District Judge
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